

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

KEVIN LOWERY, on his behalf and on
behalf of similarly situated persons,

Plaintiff,

JUDY LOVATO, DANNY GABALDON,
BARBARA THOMAS, each on his/her behalf
and on behalf of similarly situated persons,

Plaintiffs-in-Intervention,

v.

09-CV-457 JB/WDS

CITY OF ALBUQUERQUE, MARTIN CHAVEZ,
in his individual capacity as mayor of the City
of Albuquerque, RAY SCHULTZ, in his individual
capacity as chief of police of the City of Albuquerque
Police Department, JOHN OLSTEAD, and
MARK CRANDALL, and JOHN DOE POLICE OFFICERS,

Defendants,

MICHELLE WALL, LARRY MOYA,

Defendants-in-Intervention.

**ORDER GRANTING PLAINTIFFS' UNOPPOSED MOTION FOR RELIEF OF KEVIN
LOWERY'S DUTY AS CLASS REPRESENTATIVE AND TO SEVER CLAIM**

THIS MATTER came before the Court on Plaintiff's Unopposed Motion for Relief of
Kevin Lowery's Duty as Class Representative and to Sever Claim. The Court has reviewed the
motion. The motion is stipulated to by the parties. The motion to is well-taken and should be
granted. *in fact as denied is not.* *AOB 4/28/11* *in fact* *AOB 4/28/11*

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Kevin Lowery is
relieved of his duties as class representatives and his claim is severed from the class claims.


HONORABLE JAMES BROWNING
UNITED STATES DISTRICT COURT JUDGE

Submitted by:

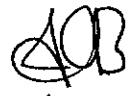
/s/ Joseph P. Kennedy
Joseph P. Kennedy
Attorney for Plaintiffs

Approved by

approved via E-mail April 21, 2011
Kathryn Levy
Attorney for Defendants

The Court agrees that Mr. Lang is no longer an appropriate class representative and relieves him of his duties of being a class representative. The Court should send a notice to the class members telling them that Mr. Lang is no longer a class representative.

The Court is not convinced, however, that Mr. Lang should be able to opt-out at this late stage or that his claims should be severed. The Court has made ruling as to Mr. Lang; he should rest, after that ruling, be able to opt-out of the case. He remains part of the class. The Court does not anticipate that there would be or might be individual issues at class as to some or all members. The Court may enter into a partial settlement as to some parties and allow other claims to proceed. Again, the parties will be granted notice to the class of what is settled and what is not.


4/28/11